

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RIDDELL, INC.,

Plaintiff,

v.

SCHUTT SPORTS, INC.,

Defendants.

ORDER

08-cv-711-bbc

In response to an order entered by the court on May 21, 2009, dkt. #43, defendant Schutt Sports, Inc. has requested a claims construction hearing and provided reasons why it believes a hearing is necessary, dkt. #45. Plaintiff Riddell, Inc. opposes defendant's request, stating that a hearing is unnecessary and will serve only to allow defendant an opportunity to supplement its briefing and introduce new evidence. Dkt. ## 44 and 46.

The court has decided that construction of 11 terms is necessary to resolve clearly disputed issues concerning infringement or invalidity. When it appeared that the court could not accommodate plaintiff's proposed hearing dates and I was not fully convinced that a hearing was necessary, I reserved ruling on whether to hold a hearing and asked the parties to respond. Although a hearing may not be entirely necessary, I agree that it might be useful both to educate the court and to assist the court in resolving the parties' disputes. If the

parties are available on either the morning of June 17 or June 18, 2009, the court will hold a claims construction hearing on the eleven identified terms. I will give the parties until June 5, 2009 in which to notify the court whether either of those dates will work.

Entered this 2nd day of June, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge